

# Planning (Wales) Bill

## Summary of changes at Stage 2

Bill update

May 2015

### Introduction

This document sets out the key changes made to the Planning (Wales) Bill (“the Bill”) during Stage 2 proceedings.

### Background

The Planning (Wales) Bill was **laid on 6 October 2014** and introduced in Plenary by the Minister for Natural Resources, Carl Sargeant AM, on 7 October 2014.

The scrutiny of the Planning (Wales) Bill was remitted to the Environment and Sustainability Committee. On 23 September 2014 the Business Committee agreed the deadline for the Stage 1 Committee to report as 30 January 2015 and the deadline for the completion of Stage 2 Committee proceedings as 27 March 2015.

The Committee published its **Stage 1 report** in January 2015. The Constitutional and Legislative Affairs Committee also published its **Stage 1 report** on the Bill in the same month. The Bill was approved at Stage 1 by the Assembly following a debate on its general principles in Plenary on 10 February 2015.

Stage 2 commenced on 11 February 2015.

**A total of 205 amendments were tabled, 56 by the Welsh Government.** The Committee met to consider and dispose of the amendments on 18 March and 26 March 2015. A large proportion of the amendments are minor and mostly deal with small changes to wording.

The Bill as amended at Stage 2 is available [here](#).

Further information about the Bill (as introduced) is available in a **Bill Summary** prepared by the Research Service.

### Key amendments agreed at Stage 2

Please note that section numbers refer to the Bill as introduced, except where a new section has been added.

#### Welsh language

Amendments 1-3 (Carl Sargeant) are concerned with the Welsh language.

These amendments introduce requirements into the *Planning and Compulsory Purchase Act 2004* to **undertake assessments** of the likely effects of the National Development Framework, Strategic Development Plans and Local Development Plans **on the use of the Welsh language**. These amendments relate to a recommendation (6) from the Environment & Sustainability Committee, to ensure that the Welsh language is given proper consideration in the formulation of development plans at all levels.

#### National Development Framework

Amendment 46 (Carl Sargeant) inserted two new subsections into section 60 (as will be inserted by section 2 of the Bill) of the *Planning and Compulsory Purchase Act 2004* in relation to the new National Development Framework for Wales (NDF). The effect of this amendment is that the NDF **must specify the period for which it has effect, after which time the NDF will cease to be a development plan**. This was a recommendation (20) of the Environment & Sustainability Committee to bring the NDF in line with other types of development plan (Strategic Development Plans and Local Development Plans).

Amendment 47 (Carl Sargeant) inserted a new subsection into section 60A (as will be inserted by section 2 of the Bill) of the *Planning and Compulsory Purchase Act 2004* in relation to **the preparation of**



**a statement of public participation** on the preparation of the NDF. The effect of this amendment is that the Welsh Ministers must publish a statement outlining that the consultation on the draft Framework will be published and will allow 12 weeks for public consultation on that draft. The Environment & Sustainability Committee recommended (17) that the consultation period should be on the face of the Bill, although it also considered that the period should be longer than 12 weeks.

Amendment 47 (Carl Sargeant) inserted a new subsection into section 60B (as inserted by section 2 of the Bill) of the *Planning and Compulsory Purchase Act 2004* relating to the procedure for the preparation and publication of the NDF.

The effect of this amendment is that, if the National Assembly for Wales passes a resolution or makes a recommendation about the draft during the consideration period, the **Welsh Ministers must lay before the Assembly a statement explaining how they have had regard** to the resolution and the recommendations. The Environment & Sustainability Committee recommended (18) that the Bill should be amended to remove any restrictions on the Assembly's scrutiny arrangements for the NDF.

### Strategic Development Plans

Amendment 7 (Carl Sargeant) inserted a new Section 'Voting rights' in to Schedule 1. The effect of this amendment is that **nominated members of Strategic Planning Panels do not have voting rights**. Section 3 of the Bill introduces powers to prepare Strategic Development Plans and establishes Strategic Planning Panels. The removal of voting rights from nominated members was a recommendation (21) of the Environment & Sustainability Committee.

Amendment 8 (Carl Sargeant) amended Schedule 1 to require the Standing Orders for panel meetings to specify that **at least half of the local planning authority members must be present** at each meeting of a Strategic Planning Panel **for it to be quorate**.

### Applications to Welsh Ministers

Amendment 53 (Carl Sargeant) inserted a new Section into the Bill. This section will insert new Section 62L into the Town and Country Planning Act 1990. The effect of this amendment is to introduce **a statutory timetable for the Welsh Ministers to determine applications** for planning permission made to them as Developments of National Significance (DNS) and any secondary consents submitted at the same time. The requirement is for the Welsh Ministers to **determine such applications within 36 weeks** of their acceptance of the application. The Welsh Ministers may by order substitute the 36 week period for a different period. This order would be subject to the affirmative resolution procedure (amendment 55). They may also by notice suspend the running of the timetable for a particular application and may also terminate, reduce or extend an existing period of suspension, again by giving notice to the applicant, the local planning authority and any representative persons. The Welsh Ministers are required to **lay an annual report** before the Assembly about their **compliance** with the above requirements.

The Environment & Sustainability Committee recommended (30) that a statutory maximum timescale for deciding DNS applications should be on the face of the Bill.

### Design & Access Statements

Amendment 29 (Carl Sargeant) removed Section 27 (Design and Access Statements) from the Bill. The effect of this amendment is that **design and access statements must continue to be submitted** with applications for planning permission for certain types of development as specified in an order and for listed building consent applications. This was a recommendation (39) of the Environment and Sustainability Committee.



## National Parks

Amendment 54 (Carl Sargeant) inserted a new section into the Bill regarding joint planning boards and National Parks. The effect of this amendment is to enable the Welsh Ministers to extend the existing provisions in Section 2 of the *Town and Country Planning Act 1990* to include the areas of National Parks by means of regulations. This means that the **Welsh Ministers can transfer the development management functions** (ie: planning permissions, Listed Buildings consents, Hazardous Substance consents) **of National Park Authorities to Joint Planning Boards** where a National Park forms part of a Board's area. The regulations are subject to the affirmative procedure.

The Environment and Sustainability Committee recommended (15) leaving the Bill as originally drafted in relation to National Parks.

## Town and Village Greens

Amendments 19-22 (Carl Sargeant) removed and replaced the table in Schedule 6 of the Bill and amended the interpretation following the table. The purpose of the amendments is to remove and replace the table in Schedule 1B of the *Commons Act 2006*. **The effect of the amendments is to remove many of the trigger events that were in the Bill as introduced that would have excluded the right of a person to register land as a town or village green.** The remaining trigger events are when either planning permission, a local development order or a development consent order (*Planning Act 2008*) for development of the land is granted. This is in line with the Environment and Sustainability Committee's recommendation 40

Amendment 57 (Carl Sargeant) removed Section 47 from the Bill as introduced. The effect of this amendment is to remove the amendments to Section 15 of the *Commons Act 2006* which would have changed the "relevant period" within which **an application to register a town or village green can be made** from two years to one year. **This amendment therefore retains the status quo so that the "relevant period" remains two years.** The Environment and Sustainability Committee recommended (41) this change.

## Further Information

The Environment and Sustainability Committee's **Stage 1 report** on the Bill.

The Constitution and Legislative Affairs Committee **Stage 1 report** on the Bill.

For further information on the Bill please contact the lead responsible clerk, Alun Davidson ([Alun.davidson@assembly.wales](mailto:Alun.davidson@assembly.wales))